

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORLANDO MINO HERNANDEZ, OSMEL RUBEN SOSA NAJERA, RAFAEL BASURTO GOMEZ, JOSE LUIS MENDEZ, MIGUEL MIRANDA, ROSALIO PEREZ, ANGEL GEOVANI RAMOS, and PALEMON BENITO ANTONIO individually and on behalf of others similarly situated,

20-cv-4457 (RA)

DECLARATION OF
JONATHAN MATEOS

Plaintiffs,

-against-

LIRA OF NEW YORK INC (D/B/A LUKE'S BAR & GRILL), LUIGI MILITELO, TOMMY TIN, JONATHAN MATEOS, and LUIGI LUSARDI,

Defendants.

JONATHAN MATEOS declares under the penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am one of the defendants in this action. I have personal knowledge of the facts contained in this Declaration, which I make in support of my motion to dismiss the Amended Complaint.

2. I am employed as a waiter by Lira of New York, Inc., another defendant, which operates a restaurant at 1394 Third Avenue, at 80th Street, under the trade name "Luke's Bar & Grill." I report to and am supervised by Luigi Militelo, another defendant, who owns Lira of New York, Inc. As a waiter, I have no responsibility for hiring or firing any other employee. Nor do I have any responsibility for setting the wages, schedules, or working conditions of any other employee. No employee of Lira of New York, Inc. reports to me, and I do not supervise any other employee. I do not maintain the employment records of any other employee.

3. According the Amended Complaint [at ¶ 40], I have been named as a

defendant in my alleged capacity "as a manager" of Lira of New York, Inc. I have never held such a title; nor have I ever functioned as a manager.

4. On February 17, 2022, a stranger left papers for me with my son Enzo Mateos, who is 22 years old and lives in my home at 3013 92nd Street, East Elmhurst, New York. I refer the Court to Enzo's Declaration for the account of that encounter.

5. In an affidavit sworn to February 21, 2022, Nikolai Rael claims to have mailed a copy of "Memorandum Opinion and Order; First Amended Complaint" to me at my home. That claim is false. No such papers or any other papers regarding this case have arrived at my home by mail.

6. I am the only person in my home authorized to receive and open mail addressed to me.

7. In his affidavit, Nikolai Rael states he came to my home at 8:09 p.m. on February 17, 2022. I am informed that, in another affidavit, Nikolai Rael claims to have served my co-worker Tommy Tin at the exact same time that day. Mr. Tin lives several miles away, at 3311 202nd Street, Bayside, New York. It was impossible for the two of us to have received anything from Nikolai Rael at the same time or even within any time less than 30 minutes.

I declare the foregoing is true and correct.

Executed at New York, New York, March 14, 2022.



JONATHAN MATEOS